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PATENT
Docket H 3597 PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: PCT/EP00/03535

International Filing Date: April 19, 2000
Priority Date: April 28, 1999
Applicant: WUELKNITZ, et al.
Title: TOOTHBRUSH

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, DC 20231

Please enter the amendments below before examining this case on the merits:

IN THE SPECIFICATION:

On page 1, insert below the title:

--CROSS-REFERENCE TO RELATED APPLICATIONS

This application is the U.S. National Stage application filed under 35 U.S.C. § 371 of International Application No. PCT/EP00/03535, filed April 19, 2000, in the European Patent Office, claiming priority under 35 U.S.C. §§ 119 and 365 of PCT/EP00/03535 and DE 199 19 196.4, filed on April 28, 1999, in the German Patent Office.--

On page 2, before the first paragraph, insert the heading --DESCRIPTION OF THE INVENTION--.

IN THE CLAIMS:

Please cancel claims 1 to 12 without prejudice, and add
new claims 13-32:

13. A toothbrush comprising a brush head having a plurality of bristle bunches arranged in an elongate bristle bed, said bed having a longitudinal axis and two outer sides arranged substantially in the elongate direction of the bed, and a handle connected to the brush head by a connecting part, wherein a first set of bristle bunches is arranged at the two outer sides of the bristle bed, the bristle ends thereof comprising split bristle ends of substantially the same length, and wherein a second set of bristle bunches is arranged between the two outer sides of the bristle bed, the bristle ends thereof forming a wave shape profile longitudinally in the bristle bed.

14. The toothbrush of claim 13, wherein the first set of bristle bunches is disposed outwardly from the second set of bristle bunches, the bristles of the first set of bristle bunches having uppermost ends and the bristles of the second set of bristle bunches having lowermost ends, wherein the uppermost ends of the bristles of the first set of bristle bunches extend further from the brush head than the lowermost ends of the bristles of the second set of bristle bunches.

15. The toothbrush of claim 13, wherein the first set of bristle bunches is disposed outwardly from the second set of bristle bunches, the bristles of the first set of bristle bunches having uppermost ends and the bristles of the second set of bristle bunches having uppermost ends, wherein the

uppermost ends of the bristles of the first set of bristle bunches extend from the brush head by an equal to at most 1 mm greater length than the uppermost ends of the bristles of the second set of bristle bunches.

16. The toothbrush of claim 14, wherein the first set of bristle bunches is disposed outwardly from the second set of bristle bunches, the bristles of the first set of bristle bunches having uppermost ends and the bristles of the second set of bristle bunches having uppermost ends, wherein the uppermost ends of the bristles of the first set of bristle bunches extend from the brush head by an equal to at most 1 mm greater length than the uppermost ends of the bristles of the second set of bristle bunches.

17. The toothbrush of claim 13, wherein the bristles of the first set of bristle bunches are split up to 4 mm from their ends.

18. The toothbrush of claim 17, wherein the bristles of the first set of bristle bunches are split up to 2 mm from their ends.

19. The toothbrush of claim 13, wherein the first set of bristle bunches are arranged in one or more rows of bristle bunches at each of the two outer sides of the brush head, wherein each row of bristle bunches comprising the first set of bristle bunches comprises five to ten bunches of bristles per row.

20. The toothbrush of claim 13, wherein the second set of bristle bunches comprise bristles having a length of 8 mm to 14 mm measured from the brush head.

21. The toothbrush of claim 20, wherein the second set of bristle bunches comprise bristles having a length of 9.5 mm to 12 mm measured from the brush head.

22. The toothbrush of claim 13, wherein bristles of the second set of bristle bunches, having a length measured from the brush head that varies in wave shape in the elongate direction of the bristle bed, vary in length in wave shape from 1 mm to 2 mm.

23. The toothbrush of claim 13, wherein the ends of the bristles of the second set of bristle bunches are rounded.

24. The toothbrush of claim 13, wherein the second set of bristle bunches comprises a plurality of rows of bristle bunches arranged in rows extending transversely to the longitudinal axis of the bristle bed, in which second set of bristle bunches one to two rows of shorter bristle bunches alternate with one to two rows of longer bristle bunches.

25. The toothbrush of claim 24, wherein the rows of shorter bristles form a region 6 mm to 10 mm long measured on the longitudinal axis of the bristle bed between the adjacent rows of longer bristles.

26. The toothbrush of claim 13, wherein the bristle bunches are spaced 1.5 mm to 3.5 mm apart.

27. The toothbrush of claim 26, wherein the bristle bunches are spaced 2.0 mm to 3.0 mm apart.

28. The toothbrush of claim 13, wherein the second set of bristle bunches comprises twenty to thirty bristle bunches and the first set of bristle bunches comprises ten to twenty bristle bunches.

29. The toothbrush of claim 28, wherein the second set of bristle bunches comprises twenty-three to twenty-eight bristle bunches.

30. The toothbrush of claim 24, wherein the second set of bristle bunches comprises a plurality of rows of bristle bunches arranged in rows extending transversely to the longitudinal axis of the bristle bed, in which second set of bristle bunches one to two rows of shorter bristle bunches in which the bristles have the same length alternate with one to two rows of longer bristle bunches.

31. The toothbrush of claim 24, wherein the second set of bristle bunches comprises a plurality of rows of bristle bunches arranged in rows extending transversely to the longitudinal axis of the bristle bed, in which second set of bristle bunches one to two rows of shorter bristle bunches alternate with one to two rows of longer bristle bunches in which the bristles have the same length.

32. The toothbrush of claim 24, wherein the second set of bristle bunches comprises a plurality of rows of bristle bunches arranged in rows extending transversely to the longitudinal axis of the bristle bed, in which second set of bristle bunches one to two rows of shorter bristle bunches in which the bristles have the same length alternate with one to two rows of longer bristle bunches in which the bristles have the same length.

REMARKS

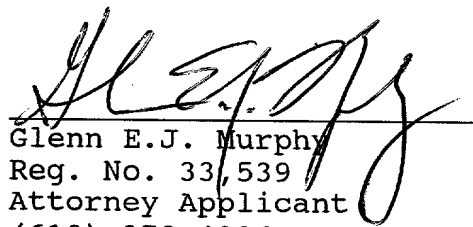
Applicants cancel claims 1-12 without prejudice and enter claims 13-32. The subject matter of the new claims is described in the original claims. The specification has been amended to include a cross-reference to related applications and headings appropriate to U.S. practice. No new matter has been added.

The new claims better claim the full literal and equivalent scope and breadth of subject matter disclosed in the application, notwithstanding applicants' belief that the original claims, drafted for examination in the German and European Patent Offices, would have been allowable but for minor matters of form permitted in German or European practice but objected to in the U.S.P.T.O. The new claims find support in the application independent of the original claims and therefore are not believed to constitute narrowing amendments to the original claims within the holding of Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., No. 95-1066 (Fed. Cir. Nov. 29, 2000).

Preliminary Amendment of US National Stage for International
Application PCT/EP00/03535 filed April 19, 2000

Applicants respectfully request entry of this Amendment
and examination of the application. If any fees are due to
enter this paper that have not been accounted for, please
charge Deposit Account No. 01-1250.

Respectfully submitted,


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